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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,796	10/25/1999	MUMTAZ SHAH		7704
60333	7590	03/19/2009		
EDWIN D. SCHINDLER FIVE HIRSCH AVENUE P.O. BOX 966 CORAM, NY 11727-0966			EXAMINER ASHLEY, BOYER DOLINGER	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 03/19/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: MUMTAZ SHAH

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Application No. 09/403,796  
Technology Center 3700

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Mailed: March 19, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 17, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

The Examiner's Answer mailed July 6, 2006, is defective because the Shah reference (GB2,223,976) and Li reference (5,638,603) are missing from the Evidence Relied Upon Section of the Examiner's Answer. The Shah and Li references were applied to the Grounds of Rejection (see pages 3 and 4) of the Examiner's Answer mailed July 6, 2006. Also, *See the Manual of Patent Examining Procedure*, MPEP § 1207.02(A)(1).

Before further review, the examiner must mail a Form PTOL-90, that will correct and amend the Evidence Relied Upon Section and identify all references used to reject the claims on appeal.

CONCLUSION

Accordingly, it is ORDERED that the application is being electronically returned to the Examiner:

- 1) to hold the Examiner's Answer mailed July 6, 2006, defective;
- 2) to issue and mail a Form PTOL-90, amending and/or correcting the Examiner's Answer (Evidence Relied Upon); and
- 3) for such further action as may be appropriate.

Application No. 09/403,796

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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